IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18147 of 2004

Between:

G.Rajanala Subba Rao, S/o Sriramulu,
R/o Navaluru Village, Mangalagiri Mandal, Guntur District

..... PETITIONER

AND

1 The Divisional Manager, APSRTC Guntur, Guntur District
2 The Executive Director, APSRTC, Hyderabad
3 Andhra Pradesh State Road Transport Corporation,

rep.by its Managing Director, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari and quash the impugned order of the 1st respondent vide proceedings No.Steno/114(01)/2004-DVM(G), dated 21-09-2004 being illegal, arbitrary and violative of Articles 14,16 and 21 of the Constitution of India apart from being violation of the principles of Natural Justice.

Counsel for the Petitioner:MR.T.LAKSHMI NARAYANA

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the stage of admission made the following :

ORDER:

In the press clip produced by the petitioner counsel, there is a mention that the petitioner made some allegations against the Depot Manager along with the proceedings of trade Union. A charge sheet was issued to the petitioner to explain as to why action shall not be taken against him. The truthfulness or otherwise of the allegation has to be probed during the course of enquiry, simply because, there is a statement by an employee, it is not desirable to keep him under suspension. Continuing the petitioner in service may not in any way affect the public interest or the discipline of the organization. The order of suspension dated 21-09-2004 therefore cannot be sustained. The impugned order to the extent of suspension of the petitioner is set aside. The respondent is at liberty to proceed with the enquiry against the petitioner and pass appropriate orders according to the rules and regulations after giving opportunity to the petitioner to participate.

The Writ Petition is accordingly disposed of.

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Dr. G.Yethirajulu, J.

Dt:14th October, 2004.

RNS.

To

1 The Divisional Manager, APSRTC Guntur, Guntur District

2 The Executive Director, APSRTC, Hyderabad

3 The Managing Director,

Andhra Pradesh State Road Transport Corporation,

Hyderabad

4 Two CD copies.